

## COVID-19 VACCINE MANDATE FACT SHEET

Last Thursday, the White House released a new COVID-19 action plan. This plan includes an executive order instructing OSHA to develop a rule requiring all employers with 100 or more employees to ensure their workforce is fully vaccinated or to require unvaccinated workers to produce a negative test result at least weekly.

These vaccine mandate orders also relate to federal contractors and all entities that receive reimbursements from Medicare or Medicaid.

Additionally, employers must give their workers paid time off to get vaccinated and give up to two days off to recover from vaccine effects.

### Emergency Temporary Standard (ETS)

OSHA is instituting an ETS, a special type of rulemaking authority allowable when it determines that workers are in danger because of a particular hazard and that an emergency standard is needed to protect them. The ETS goes into effect as soon as it is published in the federal register and essentially operates as an interim final rule with authority to circumvent usual rulemaking processes. Barring legal overturn, these rules will remain in effect until superseded by a permanent standard.

The ETS is expected to be effectuated within the next 3-5 weeks.

### Local Impacts

Louisiana falls under the jurisdiction of OSHA, requiring employers to comply with these standards. In the Capital Region, about 350 companies and nearly 56,000 employees will be impacted by the vaccine requirements.

### Some of the biggest unanswered questions about this proposed new mandate:

What is considered documentation for proof of vaccination, and how will booster shots factor into compliance?

Will the requirements only apply to vaccines that the FDA fully approves?

Does the government plan to centralize vaccination tracking?

What are the consequences of falsifying one's vaccination status or test results?

What is considered suitable documentation for a negative test result?

Should employees choose not to vaccinate, is the company or employee responsible for securing and paying for testing?

When will the requirements be formally issued?

Do the new federal requirements include exemptions for religious beliefs and disabilities?

Does the order cover independent contractors?

Are there any acceptable alternatives, such as working from home?

How will exemptions for religious or health reasons be handled?

Is there adequate testing capacity to accommodate the weekly testing requirement for unvaccinated?

And who would pay for required testing?

BRAC will continue to monitor forthcoming announcements and ongoing developments.